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Document supports general

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NEW YORK — A recently uncovered military memo, introduced in court in a surprise move yesterday, generally supported Gen. William C. Westmoreland's version of a disputed intelligence briefing in Vietnam in 1967.

The memo contained minutes of a May 1967 meeting in Saigon, at which Westmoreland and his top officers discussed a controversial report showing significant increases in a category of enemy strength. A 1982 CBS documentary accused Westmoreland of blocking the report.

The memo, uncovered from Army files by a retired Army colonel who has championed Westmoreland's case, indicated that Westmoreland had ordered a study to determine how to release the report "both officially and publicly." Westmoreland previously testified that he had given such an order.

The memo, introduced over the objections of a CBS attorney, was read aloud shortly before Westmoreland completed his testimony in the trial of his \$120 million libel suit against CBS. He was on the stand for nine days.

Westmoreland's attorney, Dan Burt, told the trial judge that the memo was uncovered last month by Col. Zane Finkelstein during a search of Army files at the Army War College in Carlisle, Pa. The Army had previously said it was unable to locate the document, Burt said.

Objections raised

The memo was permitted in evidence over the objections of CBS attorney David Boies, who questioned the circumstances under which Burt obtained it from Finkelstein. Boies also complained that Burt had introduced the document without notifying him.

CBS accused Westmoreland of suppressing the 1967 intelligence report as part of a "conspiracy" to deceive

his military and civilian superiors. It said he arbitrarily dropped enemy "irregulars" from official estimates of enemy strength after the report showed they had nearly doubled in size.

But Westmoreland, repeating earlier testimony, said yesterday that he had ordered his intelligence chief, Gen. Joseph McChristian, to give two briefings on the report, which was based on studies produced by McChristian's staff. Westmoreland said he had ordered the briefings despite reservations that his superiors in Washington might "misinterpret" the higher enemy totals suggested by the study.

McChristian, who will testify for CBS, said on the broadcast that Westmoreland blocked the report because he feared a "political bombshell." The memo, written by Westmoreland's deputy chief of staff to summarize the first of the two briefings in May 1967, also supported another aspect of Westmoreland's testimony: that he had ordered the study analyzed to determine which irregulars were armed.

Testimony supported

In addition, the memo supported Westmoreland's testimony that, rather than block the report, he had ordered his operations and information officers to study it. A memo of minutes of the second briefing, introduced earlier in the trial, also generally upheld Westmoreland's version of that briefing.

The memo introduced yesterday did not indicate, however, whether Westmoreland's immediate military superior, Admiral U.S. Grant Sharp, had attended the first briefing — as Westmoreland has testified. The distinction is important because CBS accused Westmoreland of blocking the report from his superiors.

Nor did the memo indicate whether McChristian attended the briefing, as Westmoreland testified yesterday. Boies pointed out to the general that he had previously testified that he "wasn't sure" whether McChristian was present.

Earlier, Boies questioned Westmoreland about an April 1968 cable in which he expressed concern about a "leak" to the New York Times regarding CIA estimates that put total enemy strength at 480,000 to 615,000. That was double the 297,000 estimate Westmoreland's command had released to the press.

Five days later, Westmoreland sent a follow-up cable saying he wished to

withdraw the previous cable. "Have destroyed all file copies in this headquarters, and request that you do likewise."

Pressed by Boies to explain why he wanted to destroy the cable, Westmoreland said he had "racked my brain" but could not recall the reason.

Under questioning by Burt, Westmoreland referred to a follow-up cable he sent the next month, telling Sharp and the chairman of the Joint Chiefs of Staff that the CIA's higher estimates were derived by including the irregulars. That, he said, served to "promote them to an importance far greater than they deserve."

Westmoreland added in the cable that a high-ranking North Vietnamese army defector had told him that he had never heard of one irregular category the CIA wanted to include and could provide no estimate of the size of another.

During cross-examination earlier, Boies got Westmoreland to concede that he was mistaken when he said in a 1983 deposition that he did not normally read the memos containing minutes of his staff briefings. He testified yesterday that he read them carefully.